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# Case Closed?

Some people think Gerald Posner's bold new book on the Kennedy assassination proves Oswald did it alone. But will it change the American mind?

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# Case Closed?

After 70 years of conspiracy theories, Gerald Posner's "Case Closed" is the first to argue persuasively for the least popular scenario: one man, one gun.

For his research into the assassination of President John F. Kennedy, Gerald Posner practiced operating the bolt of a rifle similar to the one Leo Harvey Oswald used in Dallas in 1963. 'Case Closed' is his conclusion that Oswald was the sole gunman.



Newsday / Ari Mintz

BY JACK SIRICA  
STAFF WRITER

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ERALD POSNER took the obsolete, bolt-action rifle off the wall in his Manhattan study.

Apart from a bayonet holder and a little extra length to the barrel, this was a replica of the original \$12.78 gun that, according to a fresh version of a 30-year-old theory that Posner is plying in a new book, launched two bullets that killed President John F. Kennedy.

That Posner would have felt the need to purchase his own Maudlicher-Carcano rifle is emblematic of the plodding, painstaking research that already has won him accolades — and that he hopes will begin to convince Americans that Lee Harvey Oswald, acting alone, assassinated Kennedy.

"No matter how much you hear the experts say you can operate the bolt in a fraction of a second, you want to see for yourself," Posner said as he held the firearm. "You want to see, as Marina [Oswald's wife], said, he sat on a porch in New Orleans . . . and operated it for hours — does it make a difference" in how quickly the rifle can be fired, reloaded and fired again.

Posner looked down at the metal bolt handle. "I will tell you when I first got it. . . I tended to be gentle with it," he said, recalling his initial unsureness with the World War II weapon. "Now I just slam it. . . If I had personally found that the mechanism is much tougher to operate, I would have questioned the experts in a different way."

As the 30th anniversary of JFK's assassination approaches, Posner's book, "Case Closed," joins a crop of projects, including television specials and nearly a dozen new books, that will take part in what has become an American ritual: re-examining the events that began when shots rang out in Dallas' Dealey Plaza at 12:30 p.m. on Nov. 22, 1963.

But the 39-year-old Posner's book is something different.

In an era when, depending on the poll, as many as 9 in 10 Americans say they believe that Kennedy was the victim of a conspiracy, Posner employs meticulous research to reach what counts as a novel conclusion: That, for all its flaws, the Warren Commission was right. Oswald killed JFK without help from anyone.

Posner has impressed admirers and even some critics with his diligent research and measured analysis. He re-indexed the entire 26-volume Warren Commission report, more than a million words of testimony, exhibits and appendices. That project culminated in a chilling portrait of Oswald as a life-long loner who could have pulled off the Kennedy killing alone.

Posner also employed computer technology not available to the commission in 1964. He says the computer modeling and animation help show that the much-derided "magic bullet" — Oswald's second shot — could indeed have hit both Kennedy and Texas Gov. John Connally. The computer enhancements also help

prove that Oswald had ample time to get off his three shots, Posner says.

The book already has gotten more attention than any recent JFK project save Oliver Stone's movie, "JFK," which suggested that a plot to kill Kennedy emanated from high levels of the United States Government.

Its appeal lies both in its thorough, apparently even-handed research, and the fact that, following the publication in recent years of a near-constant stream of conspiracy books, "Case Closed" may be the first by a respected author to argue persuasively for the Oswald-alone theory, a scenario most Americans dismissed years ago.

"We have forgotten the story," Posner said. "We have forgotten the details of it because we've lost Oswald. In all these thirty years, all the talk was about conspiracies."

Typical of the favorable treatment thus far was a cover story and 24-page special report on the book in U.S. News and World Report. The magazine's cover declared the book "brilliant" and concluded that of all the new books on the assassination, "Case Closed" had the "smell of truth." The others, U.S. News said, merely had a "smell."

"He sweeps away decades of polemical smoke, layer by layer, and builds an unshakable case against JFK's killer," U.S. News said of Posner.

"It's just a model of historical scholarship," said Stephen Ambrose, the Boyd Professor of History at the University of New Orleans, and noted student of assassination literature, who says the book has changed his mind. He said that until this book, he had entertained the possibility of a conspiracy because of doubts about the single-bullet theory. He says Posner has convinced him: that a single bullet hit both Kennedy and Connally, and that Oswald acted alone.

But will "Case Closed" change the American mind? Critics — and there are many — say that Posner, a former Manhattan attorney, ignored important evidence in an effort to build a prosecutorial indictment of the realm of conspiracy theories.

Probably the most widely respected believer in the possibility of a JFK conspiracy — former House Select Committee on Assassinations counsel G. Robert Blakey — said Posner's book, rather than having a real impact, would end up a mere "footnote" in a bibliography of assassination literature.

"What's troublesome for me in Posner's book is that he's a lawyer writing the brief for one side, and there's no reason for a person who's seen or heard all the evidence to credit his book as opposed to someone else's," said Blakey, a University of Notre Dame law professor.

"I think Lee Harvey Oswald fired two shots from behind that killed the president of the United States beyond a reasonable doubt," Blakey said. "But I think there is substantial evidence to believe both the ear- and the eye-witnesses that there was another shot in the plaza."

"I think a reasonable person can agree with me," Blakey added. "I'm not so arrogant as to say, 'Case Closed.'"

"Case Closed" essentially is a straightforward narration of how Lee Harvey Oswald, acting alone, came to kill Kennedy. The conclusion, though arrived at more artfully, is precisely that of the Warren Commission, which endured both contemporary and subsequent derision for not seeing a conspiracy.

But there are some new twists.

Posner produced one the old-fashioned way: By cre-

ating his own index of the Warren Commission report, he found what he says is information about Oswald that others have missed or ignored.

"I thought that unless I obtained an understanding of Oswald, you still don't understand why he shoots Jack Kennedy," Posner said. "To me, that is a fundamental flaw in the Warren Commission and in every other book that said Oswald did it."

For three years, Posner's apartment on East 54th Street, already filled with mementos of previous books on subjects ranging from Nazi doctor Josef Mengele to the Chinese mobsters, became a repository of cardboard file boxes. Marking off the thousands of hand-written index cards were divider headings such as, "Brain"; "Ballistics"; "Fingerprints," and "Mystery Secret Service Men."

The indexing enabled Posner to build the case that Oswald was no "patsy," but instead troubled and increasingly violent as he grew up. Indeed, Posner devotes about half the book to what amounts to a compelling new biography of the alleged assassin. The footnotes show that much of the telling detail in Oswald's life story comes straight out of commission records which have been available to anyone for 30 years.

Typical of the biographical section is a long-buried

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account of the period that Oswald and his quarrelsome, peripatetic mother, Marguerite, spent in New York City in 1952-54.

The commission had gathered the details of this and other periods in Oswald's life primarily to determine Oswald's movements over the years, and to examine his contacts. But to Posner, the exhibits and interviews in the commission record provided the meat for a clearer, more telling portrait of Oswald.

Oswald's father, Robert, an insurance salesman, had died two months before Oswald was born on Oct. 18, 1939. By the time Lee and his mother moved in with relatives on East 92nd Street in August, 1952, he already had been in an orphanage and six different schools. At PS 44 in the Bronx, Oswald was declared a truant, and was remanded to Youth House for psychiatric evaluation.

Posner writes that at Youth House, Oswald told his caseworker that he felt his mother "never gave a damn" about him. Later, a staff psychiatrist, Dr. Renatus Hartogs, found Oswald, at age 12, to have "a potential for explosive, aggressive, assaultive acting out which was rather unusual to find in a child who was sent to the Youth House on such a mild charge as truancy from school," he told the Warren Commission in 1964.

Posner began the project in 1990 thinking that Oswald might have been part of a conspiracy involving organized crime or even a small group of friends. "I believed, anyway, that Oswald had done the shooting," Posner said. "I never thought that he was a patsy — completely set up. But whether or not he did the shooting in Dealey Plaza didn't answer the question of whether he was part of a conspiracy."

But the more he learned about Oswald, the more he became convinced that he acted alone in killing Kennedy.

But always stoking the conspiracy theories was the case's troubling forensic evidence. After 30 years, assassinologists still were raising doubts about the

"magic bullet" — Oswald's second shot. According to the official account, the bullet passed through both Kennedy and Connally, who was seated in front of the President in the limousine. It was found on a stretcher at Parkland Hospital in Dallas.

Surely, the conspiracists argue, the seven entrance and exit wounds that the bullet allegedly produced had to be evidence of more than one shooter. To some reviewers, Posner's account of the path of the bullet is among the most persuasive material in "Case Closed."

In examining the bullet's trajectory, Posner leaned on modern technology that was unavailable to the commission. Although his personal research already was leading him to conclude that the bullet did indeed pass through both Kennedy and Connally, he became a true believer after stumbling across the work of Failure Analysis Associates, a Menlo Park, Calif., engineering firm that specializes in computer recreations of accidents for use in negligence cases. The firm had done computer imaging of the Kennedy assassination for a Court TV mock trial of Lee Harvey Oswald last year.

After seeing the show, Posner contacted the company, which allowed him to use its computer modeling in the book. Failure Analysis created a full-size model of Kennedy's limousine, placing in the seats two people who were the precise height and weight of Kennedy and Connally. Researchers then filmed the car and put it into animation at the place on Dallas' Elm Street that Kennedy's car was passing when Oswald's second shot was fired. Kennedy's and Connally's wounds also were placed into the animation.

According to the computer, the bullet hit Kennedy in the back, leaving a 6.5-inch millimeter wound, and passed out of his throat. The bullet now was tumbling. It left a 1 1/4-inch wound in Connally's back and a 2-inch-diameter wound below the right nipple on his chest, where it exited. New enhancements of Abraham Zapruder's famous film of the assassination show Connally's right suit lapel lifting at that moment, which Posner says buttresses the single-bullet theory.

The bullet, by now traveling backward, then entered the governor's wrist, fracturing the radius bone in the forearm. In the process, it was deflected downward into Connally's left thigh.

Posner uses similar techniques to show that Oswald took a total of 8.4 seconds — "ample time," he says — to get off his three shots. Conspiracy believers who have examined the Zapruder film say the shots took a total of 4.8 seconds to 5.6 seconds — not enough time, they say, for Oswald to fire three shots from the manual bolt-action rifle.

But Posner shows how enhancements of the Zapruder film demonstrates that the first shot, which missed, occurred much earlier than many had thought. The first evidence of the shot now appears on frame 160, rather than in frames ranging from 210 to 225 as most conspiracy books contend.

All of this added up, in Posner's mind, to the conclusion that a lone gunman killed Kennedy and wounded Connally and that it was Oswald. Moreover, he contends that every other conspiracy theory fell apart under examination, and details why in his book.

"I'm putting my professional reputaton on the line 100 percent," said Posner, whose credits include the 1986 book, "Mengele: The Complete Story."

"It's beyond a reasonable doubt," Posner said.

Whether the book helps to push a public apparently sold on conspiracy toward the same conclusion remains an open question.

"God, I hope so," said historian Ambrose, when asked whether "Case Closed" might begin to turn Americans away from JFK conspriacy theories.

"I'm a big-game hunter, and I had thought I knew something about what a bullet does when it hits flesh," said Ambrose, who wrote a promotional blurb for the book jacket. "Well, he satisfies me completely. I don't see how any serious person can argue any longer that there was a conspiracy to kill Jack Kennedy."

Dr. Michael Baden, director of forensics for the New York State Police and formerly the chief forensic pathologist for the House Select Committee on Assassinations, called Posner's forensic evidence "very compelling."

However, Baden notes, he has almost as much faith in what he calls the "Lone Ranger theory of assassination, where one good guy can beat up a lot of bad guys, but it takes a lot of bad guys to beat up a good guy. When someone like President Kennedy is killed there's a natural bent to feel that one lone guy can't do it."

Certainly, Posner hasn't shaken attorney Mark Lane, author of the 1966 book, "Rush to Judgment," and an avid believer in a conspiracy to kill Kennedy.

"For the people clinging to the position that everything's well in America, and that Oswald did it alone — if that's what they need to sleep well at night they'll probably buy this book and put it on their nightstand and probably never read it," Lane said.

"I don't think it'll change anybody's mind," Lane said. "Too many witnesses have come forward . . ."

Said Posner: "We've had thirty years of conspiracy theories in this country — that's all we've been bombarded with. I would hope that it can change minds. I hope it swings the pendulum back to what I view as the truth." ■